

04.07.2022.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2093 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Purbasthali P. S. Case No.78 of 2022 dated 09.04.2022 under Sections 306 and 34 of the Indian Penal Code.

In the matter of : Sima Ghosh & Anr.

.... Petitioners.

Mr. Sumanta Das.

...for the Petitioners.

Mr. Binay Kr. Panda,
Ms. Puspita Saha,
Mr. Raju Mondal.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners are in custody for about 69 days. It is contended there was a dispute between petitioner no.1 and the deceased who were living together as husband and wife. Deceased committed suicide out of frustration.

Learned Advocate for the State opposes the prayer for bail. He submits petitioners had quarreled with the deceased. Subsequently he committed suicide.

We have considered the materials on record. Deceased did not leave behind any suicide note. Petitioner no.1 and the deceased were residing as husband and wife and there was a dispute among them. Whether conduct of the petitioners would constitute abetment to suicide requires to be assessed in the light of the aforesaid circumstances of the case. Keeping in

mind the aforesaid facts and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhman subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)